

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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MOHAMED ALY SAAD ALY,

Civil No. 12-1960 (JRT/FLN)

Petitioner,

v.

AMAL ADEN,

Respondent.

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**ORDER ON PETITIONER'S  
MOTION FOR EXPEDITED  
HEARING ON THE MERITS AND  
REQUEST FOR TEMPORARY  
RESTRAINING ORDER**

Nancy Zalusky Berg, **WALLING, BERG & DEBELE, P.A.**, 121 South Eighth Street, Suite 1100, Minneapolis, MN 55402, for petitioner.

Brian Scott Carter, David P. Swenson, Katherine K. Bruce, Laura E. Nelson, and Andrea C. Yang, **ROBINS, KAPLAN, MILLER & CIRESI LLP**, 800 LaSalle Avenue, Suite 2800, Minneapolis, MN 55402, for respondent.

On August 10, 2012, petitioner Mohamed Aly Saad Aly brought a petition against respondent Amal Aden pursuant to the Hague Convention on the Civil Aspects of International Child Abduction, 19 I.L.M. 1501 (1980), and the International Child Abduction Remedies Act, 42 U.S.C. §§ 11601 *et seq.*, alleging that Aden wrongfully removed their child to the United States. Aly Saad Aly contends that the child is a habitual resident of Canada within the meaning of Article 3 of the Convention and ultimately seeks relief from the Court directing the prompt return of the child to Canada. At present, Aden and the child are residing in Minnesota. Currently before the Court is Aly Saad Aly's amended motion for an expedited hearing on the merits of the petition, a

request for a temporary restraining order preventing Aden from removing the child from Minnesota, and an award of attorneys' fees and costs. In order to preserve the status quo in anticipation of an expedited hearing on the merits of the petition, the Court will grant the amended motion in part.

### **ORDER**

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Petitioner's amended motion for an expedited hearing on the merits, request for restraining order, and attorneys' fees and costs [Docket No. 17] is **GRANTED in part** and **DENIED in part**, as follows:

1. Petitioner's request for a restraining order is **GRANTED** as follows:
  - a. Respondent shall immediately surrender all of her passports to her attorneys at Robins, Kaplan, Miller & Ciresi, LLP;
  - b. Respondent shall immediately surrender all of the child's passports to respondent's attorneys at Robins, Kaplan, Miller & Ciresi, LLP;
  - c. Respondent's attorneys will retain the above described passports as officers of the court, and will prevent Respondent or the child from accessing such passports until further order of this Court; and
  - d. Respondent is prohibited from removing or facilitating the removal of the child from the jurisdiction of this Court.

2. Petitioner's motion for an expedited hearing on the merits of the petition is **GRANTED** pursuant to the following schedule:

a. A hearing on the merits of the petition will be held November 13, 2012, at 9:30 a.m. in Courtroom 13E, United States Courthouse, 300 South Fourth Street, Minneapolis, MN;

b. Initial disclosures and identification of expert witnesses are due October 19, 2012;

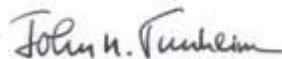
c. Expert witness reports are due October 26, 2012; and

d. Testifying non-expert witness and exhibit lists are due October 30, 2012.

3. Petitioner's motion is **DENIED without prejudice** in all other respects.

4. Plaintiff is not required to provide security in seeking injunctive relief pursuant to Rule 65(c) of the Federal Rules of Civil Procedure, because Defendant will not be harmed by the issuance of the requested Injunction

DATED: October 5, 2012  
at Minneapolis, Minnesota.

s/   
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JOHN R. TUNHEIM  
United States District Judge